

WICKENHED

4/30/82

(30)

December 19, 1977

Mr. James Durant IV
2605 Reef Court
Orlando, Florida 32805

Dear Mr. Durant:

I have received your letter of November 14, in which you request my assistance in the case of Mr. Nguyen Vinh Hien, a Vietnamese refugee now in Thailand. Please excuse the delay in replying to your enquiry, but it has taken some time to marshal the various facts.

As I replied to Senators Chiles and Stone and to Congressman William Lehman, all of whom wrote to me on behalf of Mr. Hien, a detailed examination of this case has been made by my staff based on documents and information available here and provided by the Embassy in Bangkok.

Mr. Hien desires to resettle here and you have very commendably championed his cause. But entry into the United States is not a matter of desire only. Mr. Hien's case has been quite properly handled by the Refugee Office in Thailand, whose function it is to apply the criteria for the admission of refugees as was agreed upon during consultations with the Congressional committees concerned with refugee matters. Applicants for our refugee parole program must meet one of the following criteria: the applicant must have a close blood relationship to someone in the United States; have former employment with the U.S. Mission abroad; or a significant role in the civil administration or armed

forces of the previous governments of Indochinese countries, which brought the person into close association with U.S. programs and identifies him with U.S. policies.

There are almost 100,000 Indochinese refugees now scattered throughout Southeast Asia, including those in Thailand and in the various "boat camps" elsewhere. Sufficient qualified applicants already exist who meet the criteria among this large group for the 15,000 spaces we have been authorized by the Immigration Service. From a humanitarian standpoint, each of these unfortunate human beings deserve the same attention and consideration already expended in Mr. Hein's behalf.

With respect to the possibility of Mr. Hien's entering the United States under the political asylum provision of the Immigration and Naturalization Act, I might point out that while as a citizen of Vietnam and former resident of Laos, Mr. Hien is prima facie eligible to apply for conditional entry into the United States under Section 203 (a) (7) of the Immigration and Naturalization Act (INA). In order for him to make such application, he would have to proceed to the regional office of the INS in Hong Kong. It is unlikely that Hong Kong would permit him to transfer there, since it already has a relatively large refugee population. Even should he secure travel documents that would enable him to go to Hong Kong, there is no prior guarantee that any potential conditional entry application will be approved. That decision can only be made by the INS officer after the application has been submitted.

Alternatively, Mr. Hien may submit a direct petition to the U.S. Attorney General under the provisions of Section 212 (b) (5) of the INA for consideration for an individual grant of parole for humanitarian reasons. It does not appear that Mr. Hien's need for special consideration is any more compelling than the reasons of the tens of thousands of other refugees in Thailand.

34

-3-

I am convinced that Mr. Hien has received the fullest consideration from the most responsible officers of our Mission in Thailand. The men and women implementing the refugee program are a dedicated and competent group of foreign service officers, working long hours in order to assist the refugees. They deserve our thanks and our appreciation. I am assured that no disparaging characterization of you was ever made by any of the officers to Mr. Hien.

While I can appreciate your concern for Mr. Hien, I am certain you must feel equal concern for the just and fair application of the law, upon which the fate of thousands of other refugees depend.

Sincerely,

Patricia M. Derian
Assistant Secretary for
Human Rights and
Humanitarian Affairs

EM

Draft: HA/ORM:EYoung/cv
12-21-77 x22042

HBC

Cleared: HA/ORM:HBCushing
HA: JLCarlin